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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLUMBIA
 TOBACCO LITIGATION TEAM

UNITED STATES OF AMERICA,

Plaintiff,

-against-

PHILIP MORRIS, INC., et al,

Defendants.

Civil Action No.
 99-CV-02496 (GK)

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**OBJECTIONS AND RESPONSES OF DEFENDANT BRITISH AMERICAN
 TOBACCO (INVESTMENTS) LIMITED TO PLAINTIFF UNITED STATES'
 FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Defendant British American Tobacco (Investments) Limited, formerly known as British American Tobacco Company Limited ("BATCo"), by its attorneys, Chadbourne & Parke LLP, as and for its objections and responses to Plaintiff United States' ("Plaintiff") First Set of Interrogatories to Defendants ("Interrogatories"), made pursuant to the Federal Rules of Civil Procedure ("Fed.R.Civ.P."), the Court's Eighth Case Management Order dated November 17, 2000 ("CM08") and the Court's Order No. 39 dated December 1, 2000, states as follows:

GENERAL OBJECTIONS

1. These objections form a part of the response to each and every Interrogatory and are set forth herein to avoid duplication and repetition by restating them for each Interrogatory. These general objections may specifically be referred to for the purpose of

clarity in any particular response; however, the failure to specifically incorporate any general objection should not be construed as a waiver of the objection.

2. BATCo objects to the Interrogatories to the extent they seek information regarding the manufacture, sale, distribution, marketing, promotion or advertising of tobacco products outside of the United States, or activities of any kind undertaken for markets outside of the United States, as such information is irrelevant to this action and is not reasonably calculated to lead to the discovery of admissible evidence.

3. BATCo objects to the Interrogatories on the grounds that they are overly broad, unduly burdensome and seek information neither relevant to the subject matter of this action nor reasonably calculated to lead to the discovery of admissible evidence to the extent that they seek information beyond that pertaining to the relationship between smoking and health, nicotine and its effects, or purported marketing to "children," regarding the cigarette business in the United States, as alleged in paragraph 174 of the Complaint.

4. BATCo objects to the Interrogatories to the extent that they seek information that is protected from discovery on grounds of attorney-client privilege, the work product doctrine, or any other applicable privilege or doctrine, including without limitation any privilege or protection available under the laws of the United Kingdom or any other nation.

5. BATCo objects to the Interrogatories to the extent that the discovery sought is obtainable from another source that is more convenient, less burdensome and less expensive. This source is the Guildford Depository, located in Guildford, England, which was established in State of Minnesota v. Philip Morris, Inc., No. CI-94-8565 (August 18, 1994) (the

"Minnesota Action"). BATCo has already produced, at tremendous expense, over one million documents, comprised of many millions of pages, into the Guildford Depository in response to the requests for production of documents by the plaintiffs in the Minnesota Action. The Minnesota Action involved issues virtually identical to those raised in the instant action. In response to the plaintiffs' requests for documents in the Minnesota Action, BATCo undertook an extensive and exhaustive search for all documents responsive to those document requests or otherwise relevant to the issues raised therein. All such responsive and relevant documents were produced into the Guildford Depository as they were maintained in the ordinary course of business. Representatives of plaintiff in this action visited the Guildford Depository between November 27 and December 22, 2000 and selected approximately 500,000 pages for copying. Therefore, documents from BATCo files generated prior to August 18, 1994 which are responsive to the Interrogatories can be found at the Guildford Depository, which, since its creation, has been used by plaintiffs in numerous other tobacco-related lawsuits in an effort to eliminate unnecessary and duplicative discovery.

6. BATCO objects to the Interrogatories to the extent that they seek the disclosure of confidential, proprietary, trade secret or other commercially protected information outside the terms of the protective order entered March 3, 2000 and the addendum thereto, entered November 15, 2000.

7. BATCo objects to the Interrogatories to the extent that they purport to seek information already in the possession, custody or control of Plaintiff or equally available to Plaintiff from sources other than BATCo. Specifically, and without limiting the foregoing,

BATCo objects to the Interrogatories to the extent that they call for information contained in publicly available records.

8. BATCo objects to the Interrogatories to the extent that they purport to seek information relating to the Tobacco Industry Research Committee ("TIRC"), its successor, the Council for Tobacco-Research - USA ("CTR"), or the Tobacco Institute ("TI"). As BATCo was never a member of the TIRC, the CTR or the TI, such Interrogatories are overly broad and unduly burdensome and are more properly directed to another defendant.

9. BATCo objects to Instruction No. 1 on the grounds that it is overly broad and unduly burdensome in that it purports to require BATCo to provide information in the possession of a third party or a non-party and not in the possession, custody to control of BATCo and therefore purports to impose an obligation on BATCo beyond that required by the Federal Rules of Civil Procedure. BATCo will respond to these Interrogatories based solely on information available to BATCo.

10. BATCo objects to Instruction No. 2 to the extent it seeks to impose obligations on BATCo beyond those required by the Federal Rules of Civil Procedure.

11. BATCo objects to Instruction No. 4 to the extent it seeks to impose obligations beyond those required by the Federal Rules of Civil Procedure. Specifically, BATCo objects to this Instruction on the ground that it seeks to impose onerous, unduly burdensome and harassing requirements to provide detailed information regarding documents that no longer exist.

12. BATCo objects to Instruction No. 5 to the extent it seeks to impose obligations on BATCo beyond those required by the Federal Rules of Civil Procedure. Specifically, BATCo objects to providing narrative descriptions of documents that speak for themselves or lengthy recitations of the potential testimony of witnesses. BATCo's responses to these Interrogatories will comply with the obligations set forth in the Federal Rules of Civil Procedure.

13. BATCo objects to Instruction No. 6 on the grounds that it is overly broad, unduly burdensome, and seeks to impose obligations beyond those required by the Federal Rules of Civil Procedure. BATCo further objects to this Instruction on the ground that it seeks information which is duplicative of information sought from other defendants herein. BATCo further objects to this Instruction on the ground that it is confusing and unintelligible. BATCo further objects to this Instruction on the grounds set forth in BATCo's objection to Instruction No. 1.

14. BATCo objects to Instruction No. 7 to the extent it seeks to impose obligations on BATCo beyond those required by the Federal Rules of Civil Procedure. BATCo will supplement its responses, if and as necessary, pursuant to the Federal Rules of Civil Procedure.

15. BATCo objects to Definition No. 1 on the grounds that the definition of the term "addiction" is overly broad, vague and ambiguous. There is disagreement in the scientific community regarding the appropriateness of using the word "addiction" or the criteria

that would establish whether a substance or activity is “addictive” or whether a particular individual is “addicted.”

16. BATCo objects to Definition No. 3 on the grounds that the purported requirement that BATCo approximate unknown dates by using an undefined “relationship to other events” is overly broad, vague, ambiguous and unduly burdensome.

17. BATCo objects to Definition No. 4 on the grounds that the definition of the term “Defendants” is overly broad, unduly burdensome, vague, ambiguous and unintelligible insofar as it includes a set of amorphous and undefined entities and individuals. BATCo will construe the term “Defendants” to refer to the defendants named in the Complaint who have not been dismissed by Order of the Court as of the date of these responses.

18. BATCo objects to Definition Nos. 7-11 on the grounds that their definitions of “Identify” are unduly burdensome and harassing. To purport to require BATCo to specifically list and provide a narrative description of the substance of all documents potentially pertaining to a broad and vague subject area, or to do the same with respect to communications or individuals with knowledge, imposes onerous and unnecessary requirements far beyond those required by the Federal Rules of Civil Procedure.

19. BATCo objects to Definition No. 9 on the grounds that the description of “each course of action or conduct referred to” is vague, ambiguous, and unintelligible because the definition leaves BATCo unable to understand what plaintiff is seeking. BATCo further objects to this Definition on the grounds that it is overly broad, unduly burdensome and harassing.

20. BATCo objects to Definition No. 12 on the grounds that the definitions of the terms “less hazardous cigarette,” “safer cigarette” and “alternative cigarette” are vague and ambiguous. There is no agreement as to whether a “safer cigarette” exists or is technologically possible or commercially feasible. It has been alleged, however, that certain smoke constituents or groups of constituents are associated with adverse health effects to smokers and that reducing or eliminating those constituents would result in a “safer cigarette.” For purposes of these responses only, BATCo understands these terms to refer to research and development efforts with the goal of reducing the level of those smoke constituents.

21. BATCo objects to Definition No. 13 on the grounds that the definition of the term “marketing” is overly broad, unduly burdensome and seeks information which is irrelevant to this lawsuit and not reasonably calculated to lead to the discovery of admissible evidence to the extent it seeks information regarding the marketing, promotion or advertising of tobacco products outside of the United States. BATCo further objects to Definition No. 13 on the grounds that it is vague and ambiguous because Plaintiff states within the same Definition that “[t]he term ‘Marketing’ includes . . . advertising” and that “[t]he term ‘Marketing’ does not refer to and should not be construed to include . . . advertising.”

22. BATCo objects to Definition No. 14 on the ground that the phrase “fair market value expressed in dollars of any bartering or exchange of services” therein is vague, ambiguous and unintelligible. BATCo will use the ordinary dictionary definitions of the words listed in Definition No. 14.

23. BATCo objects to Definition No. 15 on the ground that it is vague, ambiguous and unintelligible because it is impossible to determine whether "organization" is intended to refer to each defendant individually or all defendants collectively.

24. BATCo objects to Definition No. 16 to the extent plaintiff defines "person" to include a foreign government body or other foreign entity. Information pertaining to such entities is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

25. BATCo objects to Definition No. 17 on the grounds that the definitions of the terms "you," "your," and "your organization" are overbroad and unduly burdensome to the extent that they refer to any entity other than BATCo. BATCo will interpret these terms to refer only to BATCo. BATCo further objects to the last sentence of Definition No. 24 on the grounds that it is vague, ambiguous and unintelligible.

26. BATCo objects to the Interrogatories on the grounds that they are overly broad and unduly burdensome to the extent that they seek to impose upon BATCo the burden of providing information through "the present." BATCo will provide responsive information through December 31, 1999.

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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF COLUMBIA
 CROSS LITIGATION TEAM

FILE

UNITED STATES OF AMERICA,

Plaintiff,

-against-

PHILIP MORRIS, INC., et al.,

Defendants.

x

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x

Civil Action No.
 99-CV-02496 (GK)

Next Scheduled Court
 Appearance: April 19, 2002

**OBJECTIONS AND RESPONSES OF DEFENDANT BRITISH AMERICAN
 TOBACCO (INVESTMENTS) LIMITED TO PLAINTIFF UNITED STATES'
 SPECIFIC INTERROGATORIES TO DEFENDANTS BROWN & WILLIAMSON
 TOBACCO CORPORATION, THE AMERICAN TOBACCO COMPANY AND
 BRITISH AMERICAN TOBACCO (INVESTMENTS) LIMITED**

Defendant British American Tobacco (Investments) Limited, formerly known as the British-American Tobacco Company Limited ("BATCo"), by its attorneys, Chadbourne & Parke LLP, as and for its objections and responses to Plaintiff United States' ("Plaintiff") Specific Interrogatories ("Interrogatories") to defendants Brown & Williamson Tobacco Corporation ("Brown & Williamson"), The American Tobacco Company and BATCo, made pursuant to the Federal Rules of Civil Procedure ("Fed. R. Civ. P."), and Order Number 51, the Ninth Case Management Order, states as follows:

GENERAL OBJECTIONS

1a. BATCo incorporates by reference the General Objections set forth in BATCo's Objections and Responses to Plaintiff's First Set of Interrogatories to Defendants, dated February 6, 2001, to the extent applicable herein.

2a. BATCo objects to Definition Number 3 of the Specific Interrogatories on the grounds that it is overly broad, unduly burdensome, and seeks to impose obligations beyond those required by the Federal Rules of Civil Procedure insofar as it purports to define "company research" to include research beyond that performed by BATCo. BATCo further objects to this Instruction on the grounds that the terms "sponsored," "facilitated," "directly or indirectly," "other . . . entities" and "agents" as they are used in this Instruction are vague, ambiguous and unintelligible. BATCo further objects to this Instruction to the extent that it purports to require BATCo to provide information in the possession of a third party or a non-party and not in the possession, custody or control of BATCo.

3a. BATCo objects to Definition Number 4 of the Specific Interrogatories on the grounds that it is overly broad, unduly burdensome and harassing for the reasons set forth in General Objection Number 18. BATCo further objects to this Definition on the grounds that the terms "steps" and "taken," as defined therein, as well as "intended results" and "actual results," are vague, ambiguous, and unintelligible.

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA,

Plaintiff,

-against-

PHILIP MORRIS, INC., et al.,

Defendants.

99 Civ No. 2496 (GK)
Next Court Appearance:
May 17, 2002

**RESPONSES AND OBJECTIONS OF BRITISH AMERICAN TOBACCO
(INVESTMENTS) LIMITED TO PLAINTIFF'S FIRST REQUESTS FOR
ADMISSION TO ALL DEFENDANTS, AMENDED PURSUANT TO ORDER #119**

Defendant British American Tobacco (Investments) Limited ("BATCo"),
hereby responds and objects to plaintiff's First Requests for Admissions to All
Defendants, Amended Pursuant to Order #119 ("Requests") as follows:

GENERAL OBJECTIONS

1. BATCo objects to each and every Request on the grounds set forth below. These objections form a part of the response to each and every Request and are set forth herein to avoid duplication and repetition by restating them for each Request. These General Objections may be specifically referred to for the purposes of clarity in

any particular response; however, the failure to specifically incorporate any general objection should not be construed as a waiver of the objection.

2. BATCo objects to the Requests to the extent that they call for the production of information that is protected from discovery on grounds of attorney-client privilege, the work product doctrine, or any other applicable privilege or doctrine, including without limitation, any privilege or protection available under the laws of the United Kingdom or any other nation.

3. BATCo objects to the Requests to the extent that they are irrelevant, vague, ambiguous, overly broad, unduly burdensome, undefined, argumentative or not reasonably calculated to lead to the discovery of admissible evidence to the extent that they seek information or documents beyond those pertaining to the relationship between smoking and health, nicotine and its effects or purported marketing to "children" regarding the cigarette business in the United States, as alleged in paragraph 174 of the First Amended Complaint ("Complaint").

4. BATCo objects to the Requests insofar as they attempt to impose obligations on BATCo in addition to those imposed or authorized by the Federal Rules of Civil Procedure, the local rules of the United States District Court for the District of Columbia, and/or other applicable authority, or seek information not authorized or required by these authorities, and insofar as they seek to obtain information that is not relevant to the claims or defenses of any party.

FROM CHADBOURNE & PARKE

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5. BATCo objects to the Requests to the extent that they seek information relating to the advertising, marketing, or promotion of cigarettes in the United States after July 1, 1969, on the grounds that such information relates or may relate to claims that are preempted by the Federal Cigarette Labeling and Advertising Act, codified as amended at 15 U.S.C. §§ 1331-41. See Cipollone v. Liggett Group, Inc., 505 U.S. 504 (1992).

6. BATCo objects to the Requests to the extent that they seek information relating to any claim dismissed by this Court. Discovery requests relating to claims that the plaintiff may not pursue as a matter of law are not relevant to the claims or defenses of any party.

7. BATCo objects to the Requests to the extent they assume as true matters that are at issue in this litigation for which there is no admissible evidence.

8. BATCo objects to the Requests to the extent they attempt to improperly shift the burden of proof.

9. BATCo objects to the Requests to the extent they purport to require searches of files and the production of documents or information in the possession, custody or control of third parties or in the public domain. Such Requests are overly broad, unduly burdensome, beyond the scope of discovery permitted under Fed. R.

FROM CHADBOURNE & PARKE

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Civ. P. 26 and seek information that is neither relevant nor reasonably calculated to lead to the discovery of admissible evidence.

10. BATCo objects to these Requests on the grounds that they are overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence to the extent that they purport to seek documents or information pertaining to the manufacture, advertising, marketing, promotion or sale of tobacco products not sold in the United States or activities of any kind undertaken for markets outside the United States.

11. BATCo objects to Definition No. 2 on the ground that the definition of the terms "addiction" and "addictive" are vague, ambiguous and unintelligible. There is disagreement in the scientific community regarding the appropriateness of using the word "addiction" or the criteria that would establish whether a substance or activity is "addictive" or whether a particular individual is "addicted."

12. BATCo objects to Definition No. 3 to the extent that it purports to require BATCo to construe the words "any" and/or "all" in the broadest form of those words. Such a construction is overly broad, unduly burdensome, harassing, and oppressive.

13. BATCo objects to Definition No. 4 on the grounds that the definition of the term "communication" is overly broad, unduly burdensome, vague,

ambiguous and is not reasonably calculated to lead to the discovery of admissible evidence.

14. BATCo objects to Definition No. 6 on the grounds that the definition of the term "Defendants" is overly broad, unduly burdensome, vague, ambiguous and unintelligible insofar as it includes a set of amorphous and undefined entities that purportedly act "collectively" with the entities named in the Complaint. BATCo will construe the term "Defendant" to refer to the defendants named in the Complaint who have not been dismissed by order of the Court as of the date of this response.

15. BATCo objects to Definition No. 7 on the grounds that the definition of the term "environmental tobacco smoke" ("ETS") is vague and ambiguous. BATCo states that the tobacco smoke to which a non-smoker may be exposed, often referred to as ETS, is both qualitatively and quantitatively different from mainstream smoke, the smoke to which the smoker is exposed. ETS is not simply cigarette smoke discharged into the atmosphere by an ignited cigarette, but is a highly diluted, aged, and chemically altered mixture of side-stream smoke and exhaled mainstream smoke.

16. BATCo objects to Definition No. 8 on the grounds that the definition of the terms "less hazardous cigarette," "safer cigarette" and "alternative cigarette" are vague and ambiguous. There is no agreement as to whether a "safer cigarette" exists or is technologically possible or commercially feasible. It has been

FROM CHADBOURNE & PARKE

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alleged, however, that certain smoke constituents or groups of constituents are associated with adverse health effects to smokers and that reducing or eliminating those constituents will result in a "safer cigarette." For purposes of these responses only, BATCo understands these terms to refer to research and development efforts with the goal of reducing the level of those smoke constituents.

17. BATCo objects to Definition No. 10 on the grounds that the definition of the term "marketing" is overbroad, unduly burdensome and is not reasonably calculated to lead to the discovery of admissible evidence.

18. BATCo objects to Definition No. 12 on the grounds that the definition of the term "persons under the age of 21," which makes "reference to any class or set of people that includes at least one person under the age of 21," is vague, ambiguous and unintelligible.

19. BATCo objects to Definition No. 13 as it defines the term "relating to" in a manner that is unduly vague, overbroad and unduly burdensome. BATCo further objects to the term "arises out of," as used in the Requests on the grounds that such phrase is unduly vague, overbroad and unduly burdensome. Pursuant to an agreement reached between the parties at a meet and confer session transcribed on September 21, 2000, BATCo will interpret the terms "relating to" and "arising out of" as the term "relating to" is defined in Joint Defendants' Comprehensive Requests for Production to Plaintiff.